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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/825,210
Filing Date: April 02, 2001
Appellant(s): KRAFT, REINER

MAY 08 2007

Technology Center 2100

Samuel A. Kassatly
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/10/06 appealing from the Office action mailed 4/4/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6665659	Logan	12-2003
6470349	Heninger et al.	10-2002

6006217

Lumsden

12-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 6, 10, 11, 15, 16, 20 – 22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US 6665659 B1) [as cited by Applicant] and further in view of Heninger et al. (US 6470349 B1).

Regarding independent claim 1,

Logan teaches that at the request of the user, a sort and extract unit processes the citations in the local store to create a filtered, sort set of citations which are passed to a page retriever. The page retriever generates presents the information contained in or cited by these citations to the user at, either by displaying metadata contained in the citation or by using the URL in the citation to fetch data from the original resource described by that citation, or both (Column 1, lines 27 – 59), which meet the limitation of **defining contextual metadata of the source document, wherein the contextual metadata includes a location of the source document;**

Logan teaches that the information distribution system employs an analysis facility which extracts identification and content information from data retrieved via the Internet (Column 1, lines 27 – 59), which meet the limitation of **identifying a target document by a content and contextual data; and**

Logan teaches that the data which is retrieved and analyzed in this fashion may take a variety of forms as illustrated by the HTML Web page, the XML document, etc. The analysis facility coupled to an editing station processes the data from such Internet resources and creates a collection of stored descriptive metadata which are here called "citations" in a citation store (Column 1, lines 27 – 59), which meet the limitation of **saving a bundled target document as the destination document.**

Logan teaches that each of the citations created by the analysis facility comprises the combination of a Universal Resource Location "URL" which specifies the Internet address of a particular Internet resource and one or more of the following additional metadata elements ("attributes"): a "passage identification" which specifies the beginning and ending location of an particular segment of the data identified by the URL; and data characterizing the information specified by the passage identification and/or the data specified by the URL by its type, subject matter, or other characteristics (Column 2, lines 5 – 20), which meet the limitation of **bundling the target document, and the contextual metadata of the source document as attributes of the target document; wherein bundling the target document comprises merging the contextual metadata of the source document and the contextual data of the target document as attributes of the target document.**

Logan teaches that if a passage or "fragment" identifier is included in the URI reference then the citation's resource identifier refers only to the sub-component of the containing resource that is identified by the corresponding fragment id internal to that containing resource. When a resource takes the form of an XML document, the URI may designate all or part of the document using an Xpointer (Column 5, lines 41 - 54), which meet the limitation of **wherein defining the contextual metadata of the source document further includes defining a navigation path from the source document to the target document, to enable a client to return to the source document from the target document, even if one or more intermediate documents along the navigation path no longer exist.**

Logan does not explicitly teach **automatically synchronizing the destination document to the target document.**

However, Heninger et al. do teach that in the case of caches, it is also useful to generate a source command to be placed in your target script referring back to the source script. This ensures that the target stays synchronized with the source (Column 16, lines 16 – 20), which meet the limitation of **automatically synchronizing the destination document to the target document.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Logan with that of Heninger et al. because such a combination would provide the users of Logan with a server side scripting language and programming tool designed to simplify programming for web pages using databases or other dynamic information (Column 2, lines 49 – 52).

Regarding dependent claims 5 & 6, Logan teaches that if a passage or "fragment" identifier is included in the URI reference then the citation's resource identifier refers only to the sub-component of the containing resource that is identified by the corresponding fragment id internal to that containing resource. When a resource takes the form of an XML document, the URI may designate all or part of the document using an Xpointer expressed in accordance with the language specifications set forth in XML Pointer Language (Xpointer) See <http://www.w3.org/TR/xpath> (Column 5, lines 41 - 54), which meet the limitations of **defining the contextual metadata of the source document includes defining the address of the source document, and defining the address of the source document includes identifying a URL of the source document.**

Regarding dependent claim 10, Logan teaches that the citation set extractor returns a subset only of the collected citations in database via the Internet to the citation retriever which stores the subset of citations in a local store (Column 3, lines 27 – 32), which meet the limitation of **saving the bundled target document includes saving the destination document on a networked data repository.**

Regarding claims 11, 15, 16, 20, 21, 22 and 26, the claims incorporate substantially similar subject matter as claims 1, 5, 6 and 10, and are rejected along the same rationale.

Claims 8, 9, 18, 19, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US 6665659 B1) and further in view of Heninger et al. (US 6470349 B1) as applied to claims 1, 5, 15, 20 and 21 above, and further in view of Lumsden (US 6006217 A).

Regarding dependent claims 8 and 9, Logan and Heninger et al. do not explicitly teach **defining the contextual metadata of the source document further includes defining input parameters required to generate the target document and defining the input parameters includes defining an input search query.**

However, Lumsden teaches that the user fills out the form, specifying the user's search parameters or criteria, which are often in the form of keywords. The user's search parameters or criteria are intended to define a subset of documents from the Internet. The desired documents may be on any database associated with any of the sites linked together by the Internet (Column 5, line 61 – Column 6, line 3), which meet the limitation of **defining the contextual metadata of the source document further includes defining input parameters required to generate the target document and defining the input parameters includes defining an input search query.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Logan and Heninger et al. with that of Lumsden because such a combination would provide the users of Logan and Heninger et al. with *a software implemented process associated with a server employed to provide search information in response to a request from a user at a client for documents available on the Internet matching search criteria* (Column 2, lines 50 – 54).

Regarding dependent claims 18, 19, 24 and 25, the claims incorporate substantially similar subject matter as claims 8 and 9, and are rejected along the same rationale.

(10) Response to Argument

Applicant's arguments filed 11/10/06 have been fully considered but they are not persuasive.

Appellant argues that the examiner has not established a prima facie case of obviousness because Logan fails to consider the claimed invention as a whole by not explicitly teaching a missing element, which can not be dissociated from the remaining elements of claim 1 (p 12, last paragraph – p 13, first full paragraph).

The Office disagrees.

First, it should be noted that if appellant's assertions are correct then there is no art that exists in the world that can be combined with Logan to meet the claimed invention of claim 1. This position could not be more false.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Heninger et al. clearly teaches the limitation, which Logan fails to explicitly teach and the combination meets the claimed language of claim 1.

Appellant argues that the citations in Logan do not qualify as “documents” according to the present invention because the definition of a “destination document” is a final document or webpage, which is comprised of a target document that is bundled with contextual metadata about the source document (p 13, second full paragraph – p 14, third full paragraph).

The Office disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., intermediate documents whose absence does not affect the ability to return to the source document (p 14, second full paragraph)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

First, it should be noted that Logan expressly teaches that each citation which describes a resource is preferably expressed in a valid XML document (Column 5, lines 13 – 17). It is not understood how XML document cannot qualify as either a document or a web page especially when it is **both**.

Further, Logan teaches that each of the citations comprises the combination of a “URL” which specifies the Internet address of a particular Internet resource and one or more additional metadata elements (“attributes”) (Column 2, lines 5 – 20), which meet the definition of a final document or webpage, which is comprised of a target document that is bundled with contextual metadata about the source document.

Appellant argues that even if Heninger describes synchronization between documents, it still does not describe the synchronization between the target and destination documents because Heninger does not consider the present invention as a whole (p 14, last paragraph – p 15 first full paragraph).

The Office disagrees.

First, it should be noted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, Heninger et al. explicitly teach that one very nice use for the target command is in the caching of dynamic pages, which change much less often than they are requested. In the case of caches, it is also useful to generate a source command to be placed in your target script referring back to the source script. This ensures that the target stays synchronized with the source (Column 16, lines 16 – 20).

In other words, Heninger et al. discloses a solution, specifically synchronization, that enables users to have the most updated information willing dealing with cache or saved dynamic pages such as documents or web pages that change. Armed with this knowledge, the examiner believes that one of ordinary skill in the art at the time of the invention would be more than capable of combining the teachings of Heninger et al. with those of Logan in order to meet the claimed invention as recited in claim 1.

Appellant argues that the references individually or in combination do not teach the synchronization step in conjunction with the bundling step enable the present invention to track down the source document even if the intermediate documents change (p 15, last paragraph – p 16).

The Office disagrees.

First, it should be noted that the Appellant erroneously gathers that the examiner stated that the **claimed** synchronization step is intended use. As stated in the grounds of rejection above and earlier in the response to argument Heninger et al. clearly teach the **claimed** synchronization step. However, the fact that “the synchronization step in conjunction with the bundling step enable the present invention to track down the source document even if the intermediate documents change” is intended use and not claimed. Consequently, whether or not the combined references teach or suggest this “feature” is quite moot.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the synchronization step in conjunction with the bundling step enable the present invention to track down the source document even if the intermediate documents change (p 15, last paragraph)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

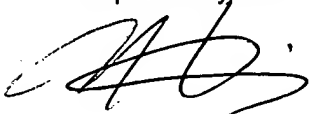
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

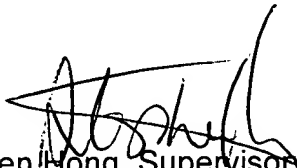


Nathan Hillery

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Doug Hutton, Primary Patent examiner, AU 2176



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